

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

UNITED STATES OF AMERICA )  
 )  
v. )  
 )  
TONY RUSSELL SHRADER )  
 )  
Defendant )

Criminal Number: 1:08CR00015

**MOTION FOR VOLUNTARY DISMISSAL OF SECTION 2255 PETITION**

Now comes the petitioner in the Section 2255 action styled above, Tony Russell Shrader ("Shrader"), pursuant to Rule 41(a) of the Federal Rules of Criminal Procedure and other applicable law, and moves the Court to dismiss his pending Motion to Vacate, Set Aside or Correct Sentence on the grounds that follow.

1. Shrader is incarcerated in a federal correctional facility.
2. On or about July 19, 2010, Shrader, proceeding pro se, filed a Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 ("Section 2255 Petition").
3. After consulting with his Court-appointed counsel, Shrader has elected to dismiss his Section 2255 Petition voluntarily, as documented by the attached Declaration of Tony Russell Shrader.
4. Shrader's election to dismiss his Section 2255 Petition is the product of reasoned decisionmaking rather than coercion, duress or undue pressure of any kind.

5. Shrader understands that voluntary dismissal of this action will foreclose any appeal of the Court's Opinion and Order filed March 3, 2011, granting in part and denying in part the government's Motion to Dismiss his Section 2255 Petition.

Wherefore, Tony Russell Shrader respectfully requests that his Motion to Vacate, Set Aside or Correct Sentence be dismissed and stricken from the Court's docket.

TONY RUSSELL SHRADER

By: s/Paul G. Beers  
Of Counsel

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Counsel for Tony Russell Shrader

Certificate of Service

I hereby certify that on May 24, 2011, I electronically filed the foregoing Motion for Voluntary Dismissal of Section 2255 Petition with the clerk of the Court using the CM/ECF system which will send notification of such filing to Dennis H. Lee, Esq., Special Assistant U.S. Attorney, 180 West Main Street, Abingdon, Virginia 24210.

s/Paul G. Beers  
Paul G. Beers